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Attorneys for The Receivables Exchange, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ICICI BANK UK PLC,

Plaintiff,

- against -

CARGILL, INCORPORATED and CARGILL
FINANCIAL SERVICES INTERNATIONAL,
INC.,

Defendant.

CARGILL, INCORPORATED and CARGILL
FINANCIAL SERVICES INTERNATIONAL,
INC.,

Third-Party Plaintiffs,

- against -

THE RECEIVABLES EXCHANGE, LLC,

Third-Party Defendant.

ICICI BANK UK PLC,

Plaintiff on the
Additional Claim,

- against -

THE RECEIVABLES EXCHANGE, LLC,

Defendant on the
Additional Claim.

Case No. 15-5379 (VEC)

**NOTICE OF MOTION TO
DISMISS ICICI BANK UK PLC'S
COMPLAINT AGAINST THE
RECEIVABLES EXCHANGE, LLC**

ORAL ARGUMENT REQUESTED

TAKE NOTICE, that upon the Declaration of Michael E. Sims dated October 29, 2015, and the exhibits attached thereto, the accompanying Memorandum of

Law, and upon all pleadings and proceedings previously had herein, Third-Party Defendant/Defendant on the Additional Claim The Receivables Exchange, LLC (“TRE”) will make a motion before the Honorable Valerie Caproni, at the United States Courthouse for the Southern District of New York, 40 Foley Square, Courtroom 443, New York, New York, for an order (i) pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, dismissing plaintiff ICICI Bank UK plc’s complaint against TRE, and (ii) granting such other and further relief as the Court deems just and proper.

TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and answering memoranda shall be served within fourteen days after service of this motion.

Dated: New York, New York
October 29, 2015

ZEICHNER ELLMAN & KRAUSE LLP

By: /s/ Michael E. Sims
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